



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,798	11/02/2000	Amanda Johanne Kiliaan	BO 44102 ACW	2164

466 7590 08/22/2002

YOUNG & THOMPSON
745 SOUTH 23RD STREET 2ND FLOOR
ARLINGTON, VA 22202

EXAMINER

DAVIS, RUTH A

ART UNIT	PAPER NUMBER
----------	--------------

1651

DATE MAILED: 08/22/2002

Y

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/703,798

Applicant(s)

KILIAAN ET AL.

Examiner

Ruth A. Davis

Art Unit

1651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Applicant's amendment has been received and entered into the case. Claims 1 – 18 have been cancelled. Claims 19 – 33 have been added and have been considered on the merits. All arguments have been fully considered.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 22 and 23 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not provide support for the recitation of “gamma-3” and “gamma-6” fatty acids as originally filed.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 1651

Claim 20 is rendered vague and indefinite for reciting "citrate or citric acid" because the two are the same. It is unclear why both names for the same compound are provided, as they are the same.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 19, 22 – 25 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sagami, Horrobin and Hashim.

Applicant claims a composition for treating and/or preventing dementia, cognitive degeneration or hearing loss, the composition comprising (a) long chain polyunsaturated fatty

Art Unit: 1651

acids, (b) at least two different phospholipids selected from phosphatidylserine, phosphatidylinositol, phosphatidylcholine and phosphatidylethanolamine and (c) at least one of folic acid, vitamin B12, B6, magnesium or zinc. The fatty acids are omega-3 and omega-6 fatty acids wherein the omega 3 fatty acids are selected from eicosapentaenoic acid (EPA) and docosahexaenoic acid (DHA) and the omega-6 fatty acids are selected from arachidonic acid (ARA) and dihomogamma linolenic acid (DGLA). The phospholipids comprise phosphatidylcholine, phosphatidylethanolamine and phosphatidylserine. The fraction c) further comprises folic acid, vitamin B6 and SAME, choline, betaine and/or copper. The composition treats and/or prevents vascular disorders or secondary disorders associated therewith, wherein vascular disorders are selected from atherosclerosis, arteriosclerosis, hypercholesterolemia, hyperlipidemia, elevated blood pressure, angina pectoris, dementia syndromes, cerebrovascular accidents, temporary disorders associated with ischaemia, M. Raynaud, vein thrombosis, postpartum thrombosis, myocard infact, varicose veins, thrombosis angiitis obliterans and atherosclerosis obliterans and secondary vascular disorders are dementia syndromes, cognitive degeneration or hearing loss. Finally, the composition is a nutritional supplement.

Sagami teaches compositions for improving lipids in the blood, arteriosclerosis and vascular diseases comprising DHA, phosphatidylcholine, phosphatidyl ethanolamine and/or phosphatidylserine (abstract).

Horrobin teaches compositions for treating/preventing hypertension, coronary heart disease and peripheral vascular disease that are enriched with DGLA and ARA, EPA or DHA (abstract).

Art Unit: 1651

Hashim teaches compositions for preventing vascular disorders comprising vitamin B6, betaine, choline, vitamin B12 and folic acid (abstract).

The above references do not teach all of the ingredients combined together in a single composition. However, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to combine the instant ingredients for their known benefit, as disclosed by the cited references above, since each is well known in the art for their common purpose. In addition, it would have been obvious to one of ordinary skill in the art to prepare the composition as a nutritional supplement because it was routine practice to do so in the art at the time the claimed invention was made. Moreover, at the time of the invention, one of ordinary skill in the art would have been motivated to combine the instant ingredients with a reasonable expectation for successfully obtaining a composition suitable for preventing and/or treating vascular disorders.

Applicant argues that the references do not teach the components or compositions for treating dementia, cognitive degeneration or hearing loss. However, this argument fails to persuade because the intended use of the claimed composition does not patentably distinguish the composition, per se, since such undisclosed function is inherent in the composition obtained by the combined teachings of the cited references. In order to be limiting, the intended use must create a structural difference between the claimed composition and the composition of the prior art. In the instant case, the intended use fails to create a structural difference, thus, the intended use is not limiting.

Art Unit: 1651

8. Claims 19 – 20 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sagami, Horrobin, Hashim and Sauvage.

Applicant claims a composition for treating and/or preventing vascular disorders, the composition comprising (a) long chain polyunsaturated fatty acids, (b) phospholipids selected from at least two of phosphatidylserine, phosphatidylinositol, phosphatidylcholine and phosphatidylethanolamine, (c) at least one of folic acid, vitamin B12, B6, magnesium or zinc and (d) citrate/citric acid. Specifically, the composition comprises at least 120 mg long chain fatty acids, 200 mg phospholipids, 200 micrograms folic acid, and 500 mg citrate.

Sagami teaches compositions for improving lipids in the blood, arteriosclerosis and vascular diseases comprising DHA, phosphatidylcholine, phosphatidyl ethanolamine and/or phosphatidylserine (abstract).

Horrobin teaches compositions for treating/preventing hypertension, coronary heart disease and peripheral vascular disease that are enriched with DGLA and ARA, EPA or DHA (abstract).

Hashim teaches compositions for preventing vascular disorders comprising vitamin B6, betaine, choline, vitamin B12 and folic acid (abstract).

Sauvage teaches compositions for treating thrombus formation, atherosclerosis and cardiovascular diseases comprising citric acid (abstract). The composition is disclosed to exhibit synergistic effects in inhibiting platelet aggregation (abstract).

The above references do not teach all of the ingredients combined together in a single composition. However, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to combine the instant ingredients for their known benefit, as

Art Unit: 1651

disclosed by the cited references above, since each is well known in the art for their common purpose. In addition, it would have been obvious to one of ordinary skill in the art to prepare the composition as a nutritional supplement because it was routine practice to do so in the art at the time the claimed invention was made. Moreover, at the time of the invention, one of ordinary skill in the art would have been motivated to combine the instant ingredients with a reasonable expectation for successfully obtaining a composition suitable for preventing and/or treating vascular disorders.

Applicant argues that the references do not teach the components or compositions for treating dementia, cognitive degeneration or hearing loss. However, this argument fails to persuade because the intended use of the claimed composition does not patentably distinguish the composition, per se, since such undisclosed function is inherent in the composition obtained by the combined teachings of the cited references. In order to be limiting, the intended use must create a structural difference between the claimed composition and the composition of the prior art. In the instant case, the intended use fails to create a structural difference, thus, the intended use is not limiting.

9. Claims 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sagami, Horrobin, Hashin and Murray.

Applicant claims a composition for treating and/or preventing vascular disorders, the composition comprising (a) long chain polyunsaturated fatty acids, (b) phospholipids selected from at least two of phosphatidylserine, phosphatidylinositol, phosphatidylcholine and

Art Unit: 1651

phosphatidylethanolamine, (c) at least one of folic acid, vitamin B12, B6, magnesium or zinc, and a fraction comprising huperzine A.

Sagami teaches compositions for improving lipids in the blood, arteriosclerosis and vascular diseases comprising DHA, phosphatidylcholine, phosphatidyl ethanolamine and/or phosphatidylserine (abstract).

Horrobin teaches compositions for treating/preventing hypertension, coronary heart disease and peripheral vascular disease that are enriched with DGLA and ARA, EPA or DHA (abstract).

Hashim teaches compositions for preventing vascular disorders comprising vitamin B6, betaine, choline, vitamin B12 and folic acid (abstract).

Murray teaches compositions for treating vascular disease and myocarditis comprising huperzine (abstract).

The above references do not teach all of the ingredients combined together in a single composition. However, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to combine the instant ingredients for their known benefit, as disclosed by the cited references above, since each is well known in the art for their common purpose. In addition, it would have been obvious to one of ordinary skill in the art to prepare the composition as a nutritional supplement because it was routine practice to do so in the art at the time the claimed invention was made. Moreover, at the time of the invention, one of ordinary skill in the art would have been motivated to combine the instant ingredients with a reasonable expectation for successfully obtaining a composition suitable for preventing and/or treating vascular disorders.

Art Unit: 1651

Applicant argues that the references do not teach the components or compositions for treating dementia, cognitive degeneration or hearing loss. However, this argument fails to persuade because the intended use of the claimed composition does not patentably distinguish the composition, per se, since such undisclosed function is inherent in the composition obtained by the combined teachings of the cited references. In order to be limiting, the intended use must create a structural difference between the claimed composition and the composition of the prior art. In the instant case, the intended use fails to create a structural difference, thus, the intended use is not limiting.

10. Claims 19 and 25 – 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sagami, Horrobin, Hashim, Bland and Cavazza.

Applicant claims a composition for treating and/or preventing vascular disorders, the composition comprising (a) long chain polyunsaturated fatty acids, (b) phospholipids selected from at least two of phosphatidylserine, phosphatidylinositol, phosphatidylcholine and phosphatidylethanolamine and (c) at least one of folic acid, vitamin B12, B6, magnesium or zinc. Specifically, the composition contains both folic acid and vitamin B6 as well as SAME, choline, betaine and/or copper. The weight ratio of zinc to copper is between 5 – 12. The composition additionally comprises one or more selected from carnitine, vitamin B1, B5 and coenzyme Q10 and one or more antioxidants selected from vitamin C, E, lipoic acid, selenium salt and carotenoids.

Art Unit: 1651

Sagami teaches compositions for improving lipids in the blood, arteriosclerosis and vascular diseases comprising DHA, phosphatidylcholine, phosphatidyl ethanolamine and/or phosphatidylserine (abstract).

Horrobin teaches compositions for treating/preventing hypertension, coronary heart disease and peripheral vascular disease that are enriched with DGLA and ARA, EPA or DHA (abstract).

Hashim teaches compositions for preventing vascular disorders comprising vitamin B6, betaine, choline, vitamin B12 and folic acid (abstract).

Bland teaches nutritional supplements comprising omega 3 and omega 6 fatty acids, magnesium, zinc, copper and selenium (abstract). Specifically, Bland teaches that the fatty acids are useful for maintaining cardiovascular health and cholesterol levels (col.2 line28-32). Bland further teaches that magnesium (col.2 line 49-56), zinc, copper (col.2 line 62-68), vitamins B6, B12, folate (folic acid) (col.3 line20-29), vitamins C, B1 and E (col.3 line 35-40) are involved in maintaining cardiovascular health, function and support as well as effectively prevent/treat vascular disorders and cardiac risk. Finally, Bland teaches a ratio of zinc to copper of about 5:1 (abstract).

Cavazza et al. teaches compositions for treating and preventing lipid metabolism disorders and cardiovascular disorders comprising omega 3 fatty acids (DHA and EPA, see col.1 line10-16) and carnitine (abstract). Cavazza specifically teaches the compositions are useful for treating/preventing vascular disorders, atherosclerotic and thromboembolic disorders (col.1 line 15-20). In addition, Cavazza teaches a synergistic effect between carnitines and omega 3 fatty acids (col.5 line 5-10). Other vitamins and antioxidants are included in the compositions to

Art Unit: 1651

include alpha-tocopherol (vitamin E), beta carotene, selenium, zinc and magnesium (col.6 line 55 – col.7 line 15).

The above references do not teach all of the ingredients combined together in a single composition. However, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to combine the instant ingredients for their known benefit, as disclosed by the cited references above, since each is well known in the art for their common purpose. In addition, it would have been obvious to one of ordinary skill in the art to prepare the composition as a nutritional supplement because it was routine practice to do so in the art at the time the claimed invention was made. Moreover, at the time of the invention, one of ordinary skill in the art would have been motivated to combine the instant ingredients with a reasonable expectation for successfully obtaining a composition suitable for preventing and/or treating vascular disorders.

Applicant argues that the references do not teach the components or compositions for treating dementia, cognitive degeneration or hearing loss. However, this argument fails to persuade because the intended use of the claimed composition does not patentably distinguish the composition, per se, since such undisclosed function is inherent in the composition obtained by the combined teachings of the cited references. In order to be limiting, the intended use must create a structural difference between the claimed composition and the composition of the prior art. In the instant case, the intended use fails to create a structural difference, thus, the intended use is not limiting.

Art Unit: 1651

11. Claims 19 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sagami, Horrobin, Hashim, Yanai and He.

Applicant claims a composition for treating and/or preventing vascular disorders, the composition comprising (a) long chain polyunsaturated fatty acids, (b) phospholipids selected from at least two of phosphatidylserine, phosphatidylinositol, phosphatidylcholine and phosphatidylethanolamine, (c) at least one of folic acid, vitamin B12, B6, magnesium or zinc and a fraction comprising ginkgo biloba extract.

Sagami teaches compositions for improving lipids in the blood, arteriosclerosis and vascular diseases comprising DHA, phosphatidylcholine, phosphatidyl ethanolamine and/or phosphatidylserine (abstract).

Horrobin teaches compositions for treating/preventing hypertension, coronary heart disease and peripheral vascular disease that are enriched with DGLA and ARA, EPA or DHA (abstract).

Hashim teaches compositions for preventing vascular disorders comprising vitamin B6, betaine, choline, vitamin B12 and folic acid (abstract).

Yanai teaches compositions for treating vascular disorders, dementia syndromes, and hypertension comprising ginkgo extract (abstract). In addition, He teaches extracts of ginkgo are used to prevent and cure hyperlipidemia, arteriosclerosis and vascular diseases (abstract).

The above references do not teach all of the ingredients combined together in a single composition. However, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to combine the instant ingredients for their known benefit, as disclosed by the cited references above, since each is well known in the art for their common

Art Unit: 1651

purpose. In addition, it would have been obvious to one of ordinary skill in the art to prepare the composition as a nutritional supplement because it was routine practice to do so in the art at the time the claimed invention was made. Moreover, at the time of the invention, one of ordinary skill in the art would have been motivated to combine the instant ingredients with a reasonable expectation for successfully obtaining a composition suitable for preventing and/or treating vascular disorders.

Applicant argues that the references do not teach the components or compositions for treating dementia, cognitive degeneration or hearing loss. However, this argument fails to persuade because the intended use of the claimed composition does not patentably distinguish the composition, per se, since such undisclosed function is inherent in the composition obtained by the combined teachings of the cited references. In order to be limiting, the intended use must create a structural difference between the claimed composition and the composition of the prior art. In the instant case, the intended use fails to create a structural difference, thus, the intended use is not limiting.

12. Claims 19, 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sagami, Horrobin, Hashim, Yanai, Bland and Sauvage.

Applicant claims a composition for treating and/or preventing vascular disorders, the composition comprising (a) long chain polyunsaturated fatty acids, (b) phospholipids selected from at least two of phosphatidylserine, phosphatidylinositol, phosphatidylcholine and phosphatidylethanolamine, (c) at least one of folic acid, vitamin B12, B6, magnesium or zinc and a fraction comprising ginkgo biloba extract. Specifically, the composition comprises at least 20

Art Unit: 1651

mg EPA, 50 mg DHA, 50 mg ARA, 200 mg phospholipids, 200 micrograms folic acid, 100 mg magnesium, 5 mg zinc, 2 mg vitamin B6, 2 micrograms vitamin B12 and 1g citrate.

Sagami teaches compositions for improving lipids in the blood, arteriosclerosis and vascular diseases comprising DHA, phosphatidylcholine, phosphatidyl ethanolamine and/or phosphatidylserine (abstract).

Horrobin teaches compositions for treating/preventing hypertension, coronary heart disease and peripheral vascular disease that are enriched with DGLA and ARA, EPA or DHA (abstract).

Hashim teaches compositions for preventing vascular disorders comprising vitamin B6, betaine, choline, vitamin B12 and folic acid (abstract).

Yanai teaches compositions for treating vascular disorders, dementia syndromes, and hypertension comprising ginkgo extract (abstract).

Bland teaches nutritional supplements comprising omega 3 and omega 6 fatty acids, magnesium, zinc, copper and selenium (abstract). Specifically, Bland teaches that the fatty acids are useful for maintaining cardiovascular health and cholesterol levels (col.2 line28-32). Bland further teaches that magnesium (col.2 line 49-56), zinc, copper (col.2 line 62-68), vitamins B6, B12, folate (folic acid) (col.3 line20-29), vitamins C, B1 and E (col.3 line 35-40) are involved in maintaining cardiovascular health, function and support as well as effectively prevent/treat vascular disorders and cardiac risk. Finally, Bland teaches a ratio of zinc to copper of about 5:1 (abstract).

Sauvage et al. teaches compositions for treating thrombus formation, atherosclerosis and cardiovascular diseases comprising citric acid (abstract). The composition is disclosed to exhibit

Art Unit: 1651

synergistic effects in inhibiting platelet aggregation (abstract). Sauvage additionally teaches methods for reducing vascular disorders using the composition (abstract).

The above references do not teach all of the ingredients combined together in a single composition. However, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to combine the instant ingredients for their known benefit, as disclosed by the cited references above, since each is well known in the art for their common purpose. In addition, it would have been obvious to one of ordinary skill in the art to prepare the composition as a nutritional supplement because it was routine practice to do so in the art at the time the claimed invention was made. Moreover, at the time of the invention, one of ordinary skill in the art would have been motivated to combine the instant ingredients with a reasonable expectation for successfully obtaining a composition suitable for preventing and/or treating vascular disorders.

Applicant argues that the references do not teach the components or compositions for treating dementia, cognitive degeneration or hearing loss. However, this argument fails to persuade because the intended use of the claimed composition does not patentably distinguish the composition, per se, since such undisclosed function is inherent in the composition obtained by the combined teachings of the cited references. In order to be limiting, the intended use must create a structural difference between the claimed composition and the composition of the prior art. In the instant case, the intended use fails to create a structural difference, thus, the intended use is not limiting.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth A. Davis whose telephone number is 703-308-6310. The examiner can normally be reached on M-H (7:00-4:30); altn. F (7:00-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn can be reached on 703-308-0196. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4242 for regular communications and 703-308-4242 for After Final communications.

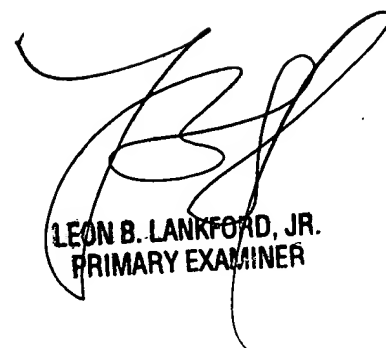
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

Application/Control Number: 09/703,798

Page 17

Art Unit: 1651

Ruth A. Davis; rad
August 20, 2002



LEON B. LANKFORD, JR.
PRIMARY EXAMINER